

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF NEW YORK

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LEONARD CONNER, 03B2018,

Petitioner,

-v-

12-CV-6701P

**ORDER**

PEOPLE,

Respondent.

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On December 27, 2012, petitioner Leonard Conner, an inmate of a state correctional facility, filed a pro se petition under 28 U.S.C. § 2254 with respect to a judgment of conviction entered on June 17, 2003, in Wayne County, New York. This is petitioner's second or successive petition with respect to the same judgment of conviction. Petitioner's previous § 2254 petition was filed in the Western District under civil number 07-CV-6230T(B). The instant case was mistakenly assigned randomly to the above Judge, although the plaintiff has had another action in this Court which was assigned to the Honorable Charles J. Siragusa. Because reassignment of this action to the Honorable Charles J. Siragusa is in keeping with the Court's policy of assigning all cases brought by a particular plaintiff to the judge who was randomly assigned to the plaintiff's first action in this Court, this action is hereby reassigned to the Honorable Charles J. Siragusa. The Clerk of the Court is directed to reassign the case as indicated.

According to 28 U.S.C. § 2244, before a district court may entertain a second or successive application for a writ of habeas corpus filed pursuant to § 2254, the petitioner must have first requested and obtained an order from the appropriate court of appeals which authorizes the filing of such a second or successive petition. The petition herein has not been so authorized. Therefore, in the interests of justice and pursuant to 28 U.S.C. § 1631, this petition shall be transferred to the Second Circuit Court of Appeals for a determination of the authorization issue. See Liriano v. United States of America, 95 F.3d 119 (1996).

IT HEREBY IS ORDERED, that the petitioner's § 2254 petition is transferred to the Second Circuit Court of Appeals.

**SO ORDERED.**

S/ Michael A. Telesca

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MICHAEL A. TELESKA  
United States District Judge

Dated: February 19, 2013  
Rochester, New York